

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



Project Name: ALBER'S SUBDIVISION

Case Number: PLD2009-00016; SEP2009-00031; WET2009-00026

Location: 10313 NE 189th Street

Request: Subdivide approximately 5.54 acres into 5 single-family residential lots located in the RC-1 zoning district

Applicant: Sterling Design, Inc.
Attn: Joel Stirling
2208 E. Evergreen Blvd. Suite A
Vancouver, WA 98661
Phone - (360) 759-1794, **Fax** - (360) 759-4983
E-mail - joel@sterling-design.biz

Owner: Arrianne Albers
10313 NE 189th Street
Battle Ground, WA 98604

RECOMMENDATION

Denial, see archaeological Finding 5

Team Leader's Initials: *MS* **Date Issued:** June 10, 2009

Public Hearing Date: June 25, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Brad Hazen	4346	brad.hazen@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4384	david.jardin@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4064	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning:

RC-1

Legal Description:

Tax Lot 43 (193783) in the Southeast quarter of Section 9, Township 3 North, Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Residential), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Stormwater & Erosion Control I), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association:

Meadow Glade, **Contact** - Wayne Turvey 11707 NE 189th Street, Battle Ground, WA 98604, **Phone** - (360) 573-4148, **E-mail** - hansenhk@comcast.net

Time Limits:

The application was submitted on April 2, 2009 and determined to be fully complete on April 16, 2009. Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 17, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on July 31, 2008. The pre-application conference information was not sufficiently complete to qualify for contingent vesting. Therefore, the application is vested on the fully complete submittal date of April 10, 2009. The application vested for transportation concurrency on April 10, 2009.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the neighborhood association and property owners within 500 feet of the site on April 30, 2009. One sign was posted on the subject property and two within the vicinity on June 10, 2009. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on April 30, 2009.

Public Comments:

The County has received public comments from neighbors (see Exhibits 10 & 12) who have concerns with the proposed subdivision. Renee Henderson is concerned that NE 189th Street is not adequate to serve the proposed lots and stormwater runoff will impact adjacent properties. Robert Cochell owns a small strip of property between

proposed lots 4 & 5 and NE 189th Street (a portion of Tax Lot 27-193769). It appears the applicant does not have legal access to NE 189th for those two lots. (See Findings 7 through 11)

Project Description/Background

The applicant is proposing to subdivide approximately 5 and ½ acres into five single-family lots. The site is located on the south side of NE 189th Street at the 102nd block. The site is generally flat. There are wetlands and buffers along the western and southern portions on the site. The site is located within the Battle Ground School District, the Clark Public Utilities Water District, Meadow Glade Sewer District, and Fire District 11.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	RCR	RC-1	Single-family residential
North	UL	R1-20/UH	Single-family residential
South	RCR	RC-1	Single-family residential
East	RCR	RC-1	Single-family residential
West	RCR	RC-1	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this

proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 - Development Standards

The project is located in the Rural Center zone that requires a minimum lot size of one acre. The minimum lot width requirement is 100 feet, and the minimum lot depth requirement is 140 feet. All five lots meet these standards. The minimum setbacks are as follows:

- Front 25 feet
- Side 10 feet
- Rear 10 feet

There is no maximum lot coverage and the maximum building height is 35 feet for residential buildings.

The preliminary plat appears to show compliance with setbacks requirements.

Finding 2 - Building Envelope for Lot 1

The submitted development plan shows a 47 foot deep building envelope for proposed Lot 1 that is bordered by wetland buffer to the south and NE 189th Street right-of-way to the north. Reviewing the GIS information as well the map attached to the wetland comments (Exhibit 17), it appears the building envelope is significantly smaller than proposed by the applicant. Prior to final plat approval, the applicant needs to confirm that an adequate building envelope exists for proposed Lot 1. A loss of one lot may occur if a significantly smaller envelope exists. (See Condition D-1)

Finding 3 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

WETLANDS:

Finding 4

The wetland and buffer boundaries shown on the preliminary plat were verified and the proposed development envelopes were approved under a previously issued Wetland Determination (WET2009-00026, attached). The site contains Category IV wetlands that require 40 foot buffers for the proposed development (Moderate Intensity per Table 40.450.030-5).

The proposed development envelopes comply with CCC 40.450.030.G.2. and the proposed Land Division can comply approval standards in CCC 40.450 provided that standard conditions are met prior to Final Plat Approval.

Conclusion

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary site plan complies with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions are met. Therefore, the requirements of the preliminary plan review criteria are satisfied. (See Exhibit 17 for complete wetland comments and conditions of approval)

ARCHEOLOGICAL:

Finding 5

The proposal is located within a high probability area for containing cultural resources and the applicant completed an archaeological pre-determination. Artifacts were found and an archaeological survey is required to be submitted to the Washington State Department of Archaeology and Historic Preservation (DAHP) for review. This has not been completed by the applicant and a final SEPA DNS cannot be issued until the County receives comments from DAHP.

In the absence of the review comments from DAHP, staff recommends denial based on incomplete SEPA review.

TRANSPORTATION CONCURRENCY:

Finding 6

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B. Staff has determined that additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

TRANSPORTATION

Finding 7 - Frontage Roads NE 189th Street

NE 189th Street is classified as a Rural Local Access roadway with 50 feet of total right of way with 24 foot total wide pavement with a pedestrian walkway. The applicant is responsible for a min 20 foot half-width roadway. (See Condition A-1b)

Finding 8 - Tax Lot 27 (193769)

It appears by the Asser tax lot map and GIS information that a portion of Tax Lot 27 (20 feet wide by 187 feet long) is blocking the applicants frontage improvements and driveway access from lots 4 and 5 to NE 189th Street. County GIS shows Tax Lot 27 is owned by Robert Cochell. While this is a private issue for the applicant to resolve, staff finds that a condition of approval is warranted.

Prior to final engineering plan approval, the applicant shall provide documentation that provides legal right of access for proposed lots 4 and 5 across Tax Lot 27 (193769) to the public right-of-way of NE 189th Street. If the applicant can not provide legal access to NE 189th Street, then the driveway access to lots 4 and 5 shall be by a joint driveway that can legally access NE 189th Street. (See Condition A-1d)

Finding 9 - Street Extensions for NE 187th Street

Under CCC 40.350.030(B)(9)(a), where a public or private road has been constructed, created or stubbed in such a manner as to be able to be extended, then right-of-way or

private easements necessary to such extension or widening and falling within parcels being developed shall be granted or created as a condition of development approval.

Engineering staff finds that NE 187th Street has the potential to be extended to the west in the future; therefore, the applicant is required to dedicate a minimum 25 foot half-width right-of-way to Clark County. (See Condition A-1c)

Finding 10 - Driveway Pave Back

Clark County code requires rural driveways to be paved back a min 20 feet from the edge of roadway or to the right of way line whichever is greater by 12 to 35 feet in width (see condition E-1).

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to the condition, meets the transportation requirements of the Clark County Code and is feasible.

STORMWATER:

Finding 11 - Applicability

This project is creating more than 5,000 square feet of new impervious area and is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380) (see condition of approval D-3).

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 12 - Fire Marshall Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-2)

Finding 13 - Fire Flow/Hydrants

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,000 gpm

The indicated existing fire hydrants are adequate.

Finding 14 - Fire Apparatus Access/Turnaround

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical

clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-4)

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition D-9a)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

HEALTH DEPARTMENT:

Finding 15

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-5)

WATER & SEWER SERVICE:

Finding 16

The applicant has submitted utility reviews from Clark Regional Wastewater and Clark Public utilities indicating that public sewer and water is available to the subject site in NE 189th Street. All lots in the proposed plat must connect to an approved public sewer and water system. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-6)

IMPACT FEES:

Finding 17

All residential lots created by this plat (except proposed lot 3 with the existing residence) will produce impacts on schools and traffic, and will be subject to School (SIF) and Traffic Impact Fees (TIF) per dwelling. The site is located in the Rural 1 transportation sub-area with a TIF of \$2,716.92 per dwelling. The site is located in Battle Ground School District with a SIF of \$8,290.00 per dwelling

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-7c & E-3)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 30, 2009 **cannot become final** because archaeological issues have not been resolved.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Persons:

Planner: Richard Daviau - (360) 397-2375, ext. 4895

Team Leader/Responsible Official: Michael V. Butts, (360) 397-2375, ext. 4137

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5) and the findings and conclusions stated above, staff recommends the Hearings Examiner **Deny** this request unless the

applicant can resolve the archaeological issues (see Finding 5). If the denial issue can be resolved, the applicant is required to adhere to all applicable codes and laws, and is subject to SEPA Mitigation Measures and the following conditions of approval:

Conditions of Approval

A Final Construction Plan Review for Land Division **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Construction Plan** – The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. Archaeology - A note shall be placed on the face of the final construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines".
 - b. NE 189th Street along the applicant's frontage shall be engineered to Clark County Drawing number 25 (Rural Local Access roadway) with a 5 foot wide pedestrian sidewalk. This roadway shall be a minimum 20 feet in width with a minimum right-of-way dedication of 25 feet half-width. (See Finding 7)
 - c. The applicant shall dedicate a min 25 foot half-width right of way along there southern property line for the future extension of NE 187th Street.
 - d. The applicant shall provide documentation that provides legal right of access for proposed lots 4 and 5 across Tax Lot 27 (193769) to the public right-of-way of NE 189th Street. If the applicant can not provide legal access to NE 189th Street, then the driveway access to lots 4 and 5 shall be by a joint driveway that can legally access NE 189th Street. (See Finding 8)
- A-2 **Transportation:**
- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

- A-3 **Final Transportation Plan (On-Site & Frontage)** - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350.
- A-4 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC 40.380.
- A-5 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-6 **Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

- C-1 None

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 The applicant shall confirm that an adequate building envelope exists for proposed Lot 1. A loss of one lot may occur if a significantly smaller envelope exists. (See Finding 2)
- D-2 NE 189th Street frontage improvements and Right-of-way dedication shall be completed.

- D-3 All Stormwater facilities shall be constructed according the engineering drawings.
- D-4 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 14).
- D-5 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- D-6 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-7 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this subdivision are: \$8,290.00 (Battle Ground School District) and \$2,716.92 (Rural 1 TIF subarea) respectively. There will be a one lot impact fee credit for proposed Lot 3 due to the existing residence. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."
- D-8 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-9 **Plat Notes** - The following notes shall be placed on the final plat:
- a. Fire Turnaround: "New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus."

Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout."

- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages. Sidewalks are attached except along the frontage of (insert street name) which is detached."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 The driveway shall be paved back 20 feet from the edge of the roadway or right-of-way line whichever is greater. Driveway width is 12 to 35 feet. (See Finding 10)
- E-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-3 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (There will be a one lot impact fee credit due to the existing residence):
 - a. \$8,290.00 per dwelling for School Impact Fees (Battle Ground School Dist.)
 - b. \$2,716.92 per dwelling for Traffic Impact Fees (Rural 1 TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay an open record or continuance fee of \$1,900.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$303**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Proposed Plot Plan
- List of Exhibits Received to Date

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		X
-On-site landscape plan		
-Right-of-way landscape plan*		
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.



HEARING EXAMINER EXHIBITS

APPLICATION: ALBER'S SUBDIVISION

CASE NUMBERS: PLD2009-00016; SEP2009-00031; WET2009-00026

Hearing Date: June 25, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	4/2/09	Applicant, Sterling Design, Inc.	Proposed Development Plan with Existing Conditions, Topographic Survey, Proposed Stormwater Plan
6	4/2/09	Applicant, Sterling Design, Inc.	<ol style="list-style-type: none"> 1. Cover Sheet <ul style="list-style-type: none"> • With Table of Contents 2. Application Form 3. Application Fee 4. Pre-Application Conference Report 5. Developer's GIS Packet Information 6. Narrative 7. Legal Lot Determination Information 8. Approved Preliminary Plats Abutting the Site. 9. Preliminary Boundary Survey 10. Proposed Development Plan(s) 11. Soils Analysis Report 12. Preliminary Stormwater Design Report 13. Proposed Stormwater Plan 14. Project Engineer Statement of Completeness and Feasibility 15. Traffic Profile 16. State Environmental Review 17. Sewer District Utility Review Letter 18. Water Utility Review Letter 19. Health Department Project Review Evaluation Letter 20. Covenants or Restrictions 21. Associated Applications & Required Information <ul style="list-style-type: none"> A. Traffic Circulation plan B. Archaeological Information C. Sight Distance Analysis D. Wetland Delineation & Boundary Report E. Wetland Rating Form & Report 22. Submittal Copies
7	4/16/09	CC Development Services	Fully Complete Determination

8	4/30/09	CC Development Services	Affidavit of Mailing Public Notice
9	4/30/09	CC Development Services	Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance and Public Hearing
10	5/13/09	Renee Henderson	Comment Letter with the Map
11	5/14/09	Dept of Ecology	Agency Comments
12	5/14/09	Robert S.Cochell	Comment Letter
13	5/20/09	CC Development Services	Notice of Public Hearing for June 25, 2009
14	5/13/09	Ted and Colleen Atmore	Comment Letter
15	5/13/09	Rosemary Ferguson	Comment Letter
16	5/18/09	Applicant, Sterling Design, Inc.	Applicant Response for the Public Comments
17	6/10/09	CC Development Services	Wetland Determination Staff Report
18	6/10/09	CC Development Services	Affidavit of Posting Public Notice
19	6/10/09	CC Development Services - Richard Daviau, the Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
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Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810